

**DOCTRINE OF COLOURABLE LEGISLATION AND LEGISLATIVE ACCOUNTABILITY:  
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Doctrine of Colourable Legislation and Legislative Accountability, in a Parliamentary system, unlike the Presidential system, lays emphasis on accountability. According to the scheme of our Constitution, an indirect Separation of Power exists in India<sup>1</sup>, which means a balance has been made between the different components of government *i.e.* between Legislature, Judiciary and Executive. The primary function of Legislature<sup>2</sup> is to frame laws. Whenever, Legislature tries to shift this balance of power towards itself then Doctrine of Colorable Legislation is applied to take account of Legislative Accountability. Though the different components of government are supreme in itself but still they are accountable because as I had already mentioned that in India indirect separation of power exists *i.e.* distribution of power with proper checks and balances. Doctrine of Colorable Legislation states, “*Whatever legislature can’t do directly, it can’t do indirectly*”<sup>3</sup>. By applying this principle the fate of the impugned legislation is decided.

This is one part of my project. The second part deals with “Legislative Accountability”. Legislative Accountability is nowhere directly contemplated in Constitution of India but can be inferred from the practice that we are following from a number of years. Legislative Accountability means excessive secrecy and open abuse of the public trust is not tolerated. There can be two types of Legislative Accountability

1. Legal Accountability
2. Moral Accountability

Though when Legislature is given such a power obviously it is morally accountable but when we say Legislature is Legally Accountable more than that of Morally Accountable, then Doctrine of Colourable Legislation comes into play. But I feel that this Legislature is accountable

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<sup>1</sup> This was held by Sharma J. in Para 139 at page 766 in the case of Sub Committee on Judicial Accountability v. Union of India [(1991) 4 SCC 699]

<sup>2</sup> The composition of an organ, having sovereign political authority, entertaining power to pass “statute” or “enactment” laying down general rules of conduct and to make law, which is binding on people and called “Legislature”. The statute or enactment so passed is called “Legislation.”

<sup>3</sup> As per Mr. Sanjay Pandey, Faculty(Law), National Law University, Jodhpur; in his Lecture no. 18 in the Course of CG II.

more of morally than that of legally, but as my project topic reflects its vice-versa so I am dealing with more of legal accountability than of moral accountability. I would also be dealing with the Extent and Context of Legal Accountability with reference to the power conferred to it.

### LEGISLATIVE ACCOUNTABILITY: MEANING, AIM AND OBJECTIVE

Before touching upon the aspect of legislative accountability it is important to decipher firstly what is accountability. *Accountability is the mechanism by which the concern authority is explicable for account of his conduct. The accountability is better if extracted by the authority from himself or rather say by his inner consciousness and not by legal means but this mechanism is absconding from India since long back*<sup>4</sup>. It has been increasingly argued that democratic governance as a whole implies an attention to the process of governance in all institutions of society. Governance is only partly the realm of agencies and institutions of the government. While having such a lengthy and of course, a good Constitution<sup>5</sup> we had failed to check the transparency and accountability of government agencies – legislative, judiciary and executive – is of crucial importance. This is where serious public service reform in the design and functioning of bureaucracy, and appropriate judicial reform in the manner in which justice is delivered, is long over-due in India. We focus on the nature and effectiveness of accountability relationships between citizens on the one hand, and Legislature on the other. Citizens grant law framing powers to the Legislature. They entrust it with responsibility for critical decisions about the design and implementation of public policy, and use of public funds. In turn, citizens want to guard against abuse by the Legislature of these powers. They also want to ensure that the Legislature uses its power wisely, effectively and efficiently. While there would be innumerable reasons, a major factor for the deterioration has been the progressive loss of ideology and erosion of values among the political leadership. Indira Gandhi's resolve to stay in power at any cost, followed by the enforcement of the Emergency (1975-77), marked the dilution of the Cabinet system, and the beginning of the virtual abrogation of the rule of law. The ascendancy of extra legal elements in decision-making and the emergence of groups of unprincipled politicians and rogues and

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<sup>4</sup> As extracted from the Concept of Morality, as given by **Fuller** in his work "*The Morality of Law*" accountability lies in the heart of man (or according to the context man refers to legislature) when it dies there, no constitution, no law, no Court can save it. While it lies there, it needs no Constitution, no law, no Court to save it.

<sup>5</sup> According to **Immanuel Kant**, "*We must not expect a good constitution because those who make it are moral men. Rather it is because of a good constitution that we may expect a society composed of moral men.*"

“committed” civil servants led to wanton exercise of authority which, protected by the highest echelons, led to encouragement of unaccountability and resort to corrupt practice.

In India, Legislature is supreme but not sovereign<sup>6</sup>. The principle of legislative supremacy had both a positive and a negative aspect. On the positive side, it meant that all Acts of the Parliament, whatever their purpose, would be obeyed by the Courts. On the negative side, it meant that there was „no person or body who can.....make rules which override or derogate from an Act of parliament”. The *Rule of Judicial Obedience* is in one sense a rule of common law, but in another sense – it applies to no other rule of common law – it is ultimate political fact upon which the whole system of legislation hangs. Legislation owes its authority to legislation. In this regard H L A Hart was of the opinion that the rule of parliamentary supremacy is part of what he terms as “*Primary Rules of Recognition*”. For **Hart** legal system is a combination of PRIMARY AND SECONDARY RULES. **Primary rules are rules of obligation while secondary rules are parasitic upon primary rules and are rules about primary rules.** These secondary rules provide that human beings may by doing or saying certain things introduce new rules of the primary type, extinguish or modify old ones or in various ways determine their incidence or control their operation. **While primary rules impose duties, secondary rules confer power, public or private.** Secondary rules are necessary to cure the defects which a simple social system may have to face due to static nature of the primary rules, their uncertainty and their inefficiency regarding dispute resolution. This is deployed by the courts as a means of identifying what are valid rules of law<sup>7</sup>.

In 17<sup>th</sup> Century in *Dr. Bonhams Case*<sup>8</sup> the House of Lords was of the opinion that “*the common law had the power to control Acts of Parliament and can act as a check on the Legislative Accountability. The circumstances in which this might happen where when an Act was against common right and reason, or repugnant, or impossible to be performed.*”

The condition in India is not very much different from this. In India, absolute democracy exists. This means in every case, the people of the country select there representative and of course after

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<sup>6</sup> This can also be traced by the concept of sovereign given by Austin. He says, No sanction can be put on a sovereign. If law is the command of the sovereign and if the sovereign is that body which enjoys general obedience and owes obedience to no other body, then clearly the sovereign can not be bound by law; for this it would mean that the sovereign is bound by and owes obedience to some other body. **Austin’s definition** owes obedience to no one. It follows then that a limited sovereign is logically now sovereign at all.

<sup>7</sup> See generally Fuller, *Morality of Law* and H. L. A. Hart, *The Concept of Law*

<sup>8</sup> 8 Co. Rep. 113b at 118a as per Chief Justice Coke

becoming a part of legislature, that representatives are legally as well as morally accountable to the people and looking this in whole, we can say that legislature is accountable. The primary function of Legislature is to frame the laws, so the accountability I am dealing here is accountability with respect to the laws framed by the Legislature<sup>9</sup>.

The challenge for „governance“ in India, in practice, is to move towards a new set of standards. From an elite-led model to a mass base approach is quite a shift: a shift from an emphasis on national coherence to local relevance and initiatives, from a system of one-way accountability to the state to a process of mutual accountability to citizens. This requires a total culture shift in Indian governance. Such a shift, difficult and contentious as it may be, is the needed direction to move „governance to where people matter“ in India.

## LEGISLATIVE ACCOUNTABILITY PROCESS IN INDIA

In India, though nowhere Legislative Accountability is contemplated under Constitution directly, but there is provision under which this can be traced. Under Chapter 5, Art. 148 of the Constitution of India provision regarding **Comptroller and Auditor-General of India**<sup>10</sup> has been made under which

<sup>9</sup> According to **P. Raja Ram** in his work on *Jurisprudence* “The English Legislature was originally constituted not for legislative but for financial purposes. Its primary function was not to make laws, but to grant supplies.”

<sup>10</sup> **148. Comptroller and Auditor-General of India**

1. There shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on like grounds as a Judge of the Supreme Court.
2. Every person appointed to be the Comptroller and Auditor-General of India shall, before he enters upon his office, make and subscribe before the President or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.
3. The salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule: Provided that neither the salary of a Comptroller and Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.
4. The Comptroller and Auditor-General shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.
5. Subject to the provisions of this Constitution and of any law made by parliament, the conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the Comptroller and Auditor-General shall be such as may be prescribed by rules made by the President after consultation with the Comptroller and Auditor-General.

to the some extent legislature is made accountable. With this Article 149 describes about the **Duties and powers of the Comptroller and Auditor-General<sup>11</sup>**, which generally take account of accounts of the Union and of the States. Then the Comptroller and Auditor – General of India, prepares a report wherein, he describes about the expenditures and money spent by the Union and the State and also recommends some suggestion in this regard. Thus, this is a mechanism by which the accountability of legislature with regard to the expenditure made by the State and Union is determined. The objective of legislative accountability in India has been to fulfill legislative mandates for financial reporting and control over public exchequer through the mechanism of the budget and finance and account rules and to make sure that people are getting justice<sup>12</sup> by the legislations made by him. Government accounting in India has fulfilled this traditional role exceptionally well. However, it could play a more active part in overall management of Government finances and in enabling easy evaluation of the economy, efficiency and effectiveness of Government programs. Ideally, an accounting system should assist not only in the evaluation of results but also in the selection of projects and indeed in strengthening the accountability mechanism in a democracy. Such a system should be user friendly so that the public can judge the financial performance of a Government through disclosures made in its accounts. *Legislature is made Supreme or can say sovereign while using Plenary Power of Constitution because writ of Mandamus doesn't lie against it but is made that Legislature cannot deviate form the Constitutional mandates while using this power. In this case there would be moral accountability.*

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6. The administrative expenses of the office of the Comptroller and Auditor-General including all salaries, allowances and pensions payable to or in respect of persons serving in that office, shall be charged upon the Consolidated Fund of India.

<sup>11</sup>The Comptroller and Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States as were conferred on or exercisable by the Auditor-General of India immediately before the commencement of this Constitution in relation to the accounts of the Dominion of India and of the Provinces respectively.

<sup>12</sup> **John Rawls** has given two principles of Justice John Rawls, *Theory of Justice* :-

**First Principle of Justice:-**

“Each person is to have an equal right to the most extensive total system of equal liberties, compatible with a similar system of liberty for all.”

Social and economic inequalities are to be arranged so that they are both

1. to the greatest benefit of the least advantaged.
2. consistent with the “Just saving Principle” and attached to the offices and positions open to all under the conditions of fair equality and opportunity.

As already stated, Legislative Accountability can be classified under two heads: -

1. Moral Accountability
2. Legal Accountability

As far as moral accountability is concerned, the representatives had been passionate with the faith and trust<sup>13</sup>. So, they are morally accountable. This can be understood by taking a simple example, A policeman is responsible to fulfill his duties not because he is legally entitled to do so but because he is policeman and is protector of society and is aware of legal as well as moral concerns about him.

A report should be made by the Legislature identifying any Federal mandate in it and including certain information in the report accompanying such legislation, information such as: (1) statements on whether the legislation is intended to preempt any State, local, or tribal law (and the effect of such preemption); (2) individual mandate descriptions; (3) cost-benefit analyses; and (4) statements regarding Federal financial assistance to State, local, and tribal governments for meeting mandate costs.

The legislature is also accountable for its law making. The primary accountability is accountability for law made means what law should be made by the Legislature? As Article 246 of the Constitution speak about the **Distribution of Legislative powers between Centre and State**<sup>14</sup>, and power to make laws. Thus, it is important for the legislature to take account of the fact that what laws should be framed and how it should legislate<sup>15</sup>? Either on the areas identified in the Constitution under Schedule VII, which means Legislature can make legislations on only  $97+66+47 = 210$  areas/fields<sup>16</sup>

<sup>13</sup> Accountability lies in the heart of man (or according to the context man refers to legislature). When it dies there, no constitution, no law, no Court can save it. While it lies there, it needs no Constitution, no law, no Court to save it.

<sup>14</sup> 246. **Subject-matter of laws made by Parliament and by the Legislatures of States.-**

(1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the "Union List").

(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the "Concurrent List").

(3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the "State List").

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included [in a State] notwithstanding that such matter is a matter enumerated in the State List.

<sup>15</sup> A balance should be maintained between rights and interests of the society and rights and interests of the individual, there are certain principles which the legislature should bear in mind while legislating. The yardstick is the extent to which the society can tolerate though not approve. If the common belief of society is not enforced, society will lose respect for the system and there will be a general disregard of the system.

<sup>16</sup> Leaving aside residuary domain of the Union Parliament, Article 248 of the Constitution of India

or according to the need of the people, need of the country, Need of the hour? The answer to this question is simple that Legislature is accountable to frame legislations according to the need of the hour and entries identified under Schedule VII.

Judicial deference to agency constructions of "ambiguous" statutory language presents risks to the constitutionally mandated separation of powers and principles of legislative accountability. It involves a close interaction between the political leadership and the executive which formulates its proposals, the legislature which scrutinizes and gives its approval, the implementing agencies which are to fulfill physical tasks, an appropriately structured accounting system to record these transactions correctly, and an independent as well as objective evaluation of the actual performance through the statutory audit function to ensure accountability. This again enhance the ambit of moral accountability which simple mean Legislature accountable by the morality<sup>17</sup> possessed by Legislature.

### ***Report of CAG***

The report of CAG is not binding on the Government of India. The report of the CAG of India relating to the accounts of the Union is submitted to the President, who must place the same before each House of the parliament. The reports relating to the accounts of a State are submitted to the Governor, who must place them before the Legislatures of the State. He audits the accounts of the Union and the States and statutory corporation. Basically, CAG report includes Legislative aspect.

### ***DOCTRINE OF COLORABLE LEGISLATION: A TREND TO ESTABLISH LEGISLATIVE ACCOUNTABILITY***

This doctrine states that "if the Constitution of a State distributes the legislative spheres marked out by specific legislative entries, or if there are limitations on the legislative authority in the shape of fundamental rights, question do arise as to whether the legislation in a particular case has not, in

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<sup>17</sup> According to **Fuller**, there are two types of **Morality**. Morality of Duty and Morality of Aspiration. Morality of Duty prescribes what is necessary for social living while Morality of Aspiration is the morality of Good life, of excellence, of the fullest realization of human powers. The basic difference between the two is that the morality of aspiration starts at the top of human achievement whereas the morality of duty starts at the bottom. For detailed concept, see **Fuller, *The Morality of Law***.

respect to the subject-matter of the statute or in the method of enacting it, transgressed the limits of its Constitutional powers<sup>18</sup>,

Such transgression may be patent, manifest or direct, but may also be disguised, covered and indirect and it is to this latter class of cases that the expression “Colorable Legislation” has been applied in certain judicial pronouncements. It is also sometimes called as “Legislative Fraud”. In a federal Constitution transgression of its limits of power by legislation may be i) open, direct and overt **OR** ii) disguised, indirect and covert. The latter is termed as **Colorable Legislation**.

- The doctrine has no application where the powers of a Legislature are not fettered by any Constitutional limitation.
- The doctrine is also not applicable to subordinate legislation.

Doctrine of Colorable Legislation signifies not to identify the color of the legislation but to identify that whether legislation is making the law under power given by the law under power given by the Constitution or it is usurping power to make law. So, laws made in disguise or in coward manner wherein legislature is expressly prohibited in making such law but law is made in different pretext to achieve the same objective; it is identified as colorable exercise of legislative power. The simple outcome of the aforesaid doctrine can be stated as *whatever Legislature can't do directly, he can't do indirectly*<sup>19</sup>. In this way *Doctrine of Colorable Legislation* take note of Legislative Accountability.

## LEGISLATIVE ACCOUNTABILITY IN OTHER COUNTRIES

In other countries or rather say in other Federal Countries, their Constitution also doesn't provides an explicit source to determine the legislative accountability. But from the conduct of last few years the traces of legislative accountability can be traced easily. Like in US, no Article was made in the Constitution which can locate the legislative accountability straight forward. But do avoid this; crisis by the interpretation the presence of this was made. In the **Constitution of US**, Article 1, Section 5<sup>20</sup>,

<sup>18</sup> K.C. Gajpati Narain Dev v. State of Orissa (AIR 1953 SC 375)

<sup>19</sup> Supra Note 3

<sup>20</sup> **Section 5.**

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

the responsibility was made on the Legislature to punish its members in case not acting in the proper member, the reason stated behind it was that the members of Legislature are accountable to the people and in case if they are acting in derogation to it, they should be punished. Later on this was termed as “*The Ethics Process*”, under which the Constitution gives Congress the responsibility to discipline its own Members. A self-disciplining system, however, has inherent conflicts. Because Members must cooperate with each other in the legislative process, there is a natural and understandable reticence for Members to do something detrimental to one another. While the public, through the ballot box, makes the ultimate decision about who should be returned to Congress, involving the public in the internal ethics process should make the process more balanced and credible. Indeed, professions from the law to the clergy have shifted away from self-regulation toward reliance on outsiders for exactly these reasons.

Further **REORGANIZATION ACT, 1977** the availability of Legislative Information was made essential. While introducing it, the object and reason stated thereby reflects that it is the sense of the House that the availability of legislative information to Members, the public, and the media should be improved significantly.

This expresses the view that the text of proposed legislation be more readily available and more widely disseminated to Members and the public. Specifically, it urges filing committee and conference reports on computer disk to facilitate their availability to all Members. It recommends that, notwithstanding the general 3-day layover rule, the House take no action which reduces the advance availability of bills, reports, conference reports, and amendments (for bills under suspension) to less than 24 hours. It recommends that legislative documentation be accessible on computer to all congressional offices and through databases to the public. Also, the cable broadcast system should be enhanced to provide all offices, committee hearing rooms, and party cloakrooms with summaries of pending legislation.

**OUTCOME:** - In the Constitution of US, no express provision is made to have Legislative accountability but when US realized that now there is a crisis of Accountability from the side of Legislature, these provisions were made. While observed the legislative accountability process in US

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Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

~~THE FINANCIAL ADMINISTRATION ACT, THE Ethics Process legal accountability, accountability and which results~~  
The same is the situation in case of **Canadian Constitution**. No such provision is made in the Constitution but a separate Act **THE FINANCIAL ADMINISTRATION AND CONSEQUENTIAL AMENDMENTS ACT, 2003** was passed. The sole motto of the act was to provide mandates to the Legislature for its accountability. Under the Section 5<sup>21</sup> of this Act a Treasury Board was constituted to take account of financial matters related to Legislature.  
**OUTCOME:** - Thus, by enacting a separate Legislation the Legislative Accountability was made available for the citizens of Canada.

In **Australia**, the situation with regard to Legislative Accountability, Constitution and further enactment is similar. By the **LEGISLATIVE ACCOUNTABILITY AND REFORMS ACT, 1994** was passed under which the Legislative Accountability was fixed or can say was expressly expressed. This section establishes procedures and requirements for the committee report accompanying legislation that imposes a Federal mandate. The report shall include: an identification and description of Federal mandates in the bill, including an estimate of their expected direct costs to State, local, and tribal governments and the private sector, and a qualitative assessment of the costs and benefits of the Federal mandates, including their anticipated costs and benefits to human health and safety and protection of the natural environment. For Federal intergovernmental mandates, the committee report must also contain a statement of the amount, if any, of increased authorization of Federal financial assistance to fund the costs of the intergovernmental mandates. If the committee decides to authorize funding for the intergovernmental mandates, then is must, in both the legislation and committee report, identify sources of funding at an amount equal to the amount of authorized

<sup>21</sup> **5. Authority of Treasury Board**

In addition to matters specifically assigned to it under this or any other Act of the Legislature, Treasury Board is responsible for

- (a) preparing the estimates;
- (b) government-wide management practices and systems;
- (c) government fiscal management and control, including the management and control of expenditures and revenues;
- (d) evaluating government programs;
- (e) approving the organization of government departments and the staffing complement and spending levels required for the delivery of government programs;
- (f) ensuring **accountability** of government departments to the **Legislature** for the delivery of government programs; and
- (g) other matters assigned to it by the Lieutenant Governor in Council.

Federal financial assistance. Further, the committee shall identify one or more of the following three funding sources to pay for the authorized Federal financial assistance: a reduction in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts.

**OUTCOME:** - The process is same as that of US but the only difference is that in Australia no where moral accountability is allocated because they thought moral accountability is allocated in the nature.

**OUTCOME OF THE CHAPTER:-** By analyzing the condition of three federal Counties, I found that there is lack of provisions with regard to Legislative Accountability in the Constitution but thereafter separate enactments were made when they felt there is a crisis of Legislative Accountability. This shows that everywhere, the Constitution framers must have thought that accountability lies in the heart of an institution. No where it was foresighted that there would be a requirement of legal accountability in the dead soul of Legislature even after knowing that *“Accountability lies in the heart of man (or according to the context man refers to legislature) when it dies there, no constitution, no law, no Court can save it. While it lies there, it needs no Constitution, no law, no Court to save it.”*

**CONCLUSION**

An attempt was made to describe the *Doctrine of Colorable Legislation and Legislative accountability*. While working at the conclusion of this project work I am in a deep whirlpool by the fact that do we really need Doctrine of Colorable Legislation, Auditor Comptroller, Financial Accountability Act etc. to fix the legislative accountability. If yes! Then for India there cannot be any big fallacy than this because as we look upon the system of governance and foresight of the Constitutional framers this was never intended. Then the question comes, if not intended, then why we need this? We need this because Legislature is running away from its duties and indulging in corrupt practices, for which he is unable to give accountability. "Accountability" is such a thing, which *can be received but cannot be extracted*. Legislature is a part of governance and component unit of governance comprised of Indian citizens, so why Legislature wants no moral accountability? These are the questions which needs immediate answer. However, hereby I am giving some suggestions, observations and areas of concern for Legislature and Legislative Accountability:-

- 1) Corruption, insensitivity and inefficiency of Legislature have resulted in extra-legal system. Bureaucratic corruption and pettifoggeries, which cause frustration in people in their daily lives has more serious fallout of pushing more people into extra-legal system. This should be checked.
- 2) There is *an increasing non-accountability*, Corruption has been pervasive. Public interest has suffered. This area needs a great concern.
- 3) There must be provisions for ensuring legislative accountability. They may be like that, "On all bills in each committee, names and votes of members shall be recorded [and] available for public inspection." And that the whole legislative body: "On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal."
- 4) There must be online presence of the text and status of bills, legislative analyses and journals, and more.
- 5) There is a fundamental breach of Constitutional faith for Legislature and their method of governance lies in the neglect of the people who are ultimate source of political authority.
- 6) There is pervasive disenchantment with the working of Legislature. *People themselves seem almost to have resigned to what they consider their inevitable fate.*

- 7) Legislation, it is said, is a potent teacher<sup>22</sup> which teaches people by its own example and its laws. In the present context the lessons have not been happy. Quite often they were bitter, leaving the populace confused.
- 8) Good Legislature can and do change men. Good governments (of which legislature is also a part); can earn their confidence. It is only when “Government can move beyond the limits of physical world and use our minds to soar into the future.”
- 9) Legislatures should be taught moral and ethical values, so that they can also fulfill their moral duties and can also under normal circumstances be good citizen. If this is to be done we won’t be requiring the concept of legal accountability no more.
- 10) The State Auditor General need to be given greater authority by the Comptroller and Auditor General, while maintaining its general superintendence, direction and control to bring about a broad uniformity of approach in the sphere of financial discipline.
- 11) That excessive secrecy and open abuse of the public trust should not be tolerated. Consequently, citizens will enjoy a transparency and accountability in their state's legislative process that can only be the envy of citizens in other states

At the end I would like to appreciate the words of Chakrabarty Rajagopalachari with a sorrow heart and sorrow mind which he wrote about Seventy Eight years ago that:

*“We all ought to know that Swaraj will, not at once or, I think, even for a time to come, bring better government or greater happiness for the people. Elections and thereafter corruptions, injustice, and the power and tyranny of wealth, and inefficiency of administration, will make a hell of life as soon as freedom is given to us.”*